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How to CONTRACT with National Forests in the Southern Region

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USDA Forest Service
Southern Region
Procurement & Property
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INTRODUCTION

The Forest Service's Southern Region includes the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, Puerto Rico and the Virgin Islands. Forest offices in these locations annually purchase various goods and service totaling several million dollars.

Acquisition of these goods and services is handled by contracting officers and purchasing agents located in the Regional Office and on 15 national forests. Since the Forest Service is a decentralized organization, it may be necessary for a potential bidder to contact more than one "Purchasing Unit" to get placed on a bidder's list and to receive notice of various projects. Locations of the Procurement Offices appear on the last page of this brochure.

The Forest Service's procurements are guided by the Federal Acquisition Regulation, hereinafter referred to as FAR, and other Department of Agriculture and Forest Service rules and regulations. These rules and regulations generally are different from private contracting practices and are based on public laws instead of the Uniform Commercial Code.

TYPES OF CONTRACTS

Basically, there are three types of contracts: construction, service and supply. A brief definition and some examples of each type follows.

A. Construction Contracts

A construction contract is one that involves the construction, alteration or repair (including excavating and painting) of buildings, structures or other real property. Some of the common examples of Forest Service construction include:

Buildings	Campgrounds
Dams	Trails
Bridges	Fences
Roads	Well drilling
Sewer and water lines	

Some of the more important laws and regulations governing construction contracting are:

1. MILLER ACT (40 U.S.C. 270a-270f). This act requires performance and payment bonds (usually 100% and 50% of the original contract price, respectively) for any construction exceeding \$25,000. A bid bond (usually 20% of bid price) shall accompany the bid when performance and payment bonds are required.

2. **DAVIS-BACON ACT (40 U.S.C. 276a-276a-7)** - This act requires that contractors pay specific minimum wages if the construction contract exceeds \$2,000. A copy of the applicable wage determinations will be included in the solicitation package.
3. **OTHER LAWS AND REGULATIONS** - Space does not permit a complete listing and discussion of numerous other laws and regulations. Some of the important ones apply to Federal and State labor requirements for:
 - a. Safety, health and sanitation
 - b. Maximum hours and overtime
 - c. Equal opportunity
 - d. Child and convict labor
 - e. Age discrimination
 - f. Disabled and Vietnam veterans employment
 - g. Employment of the handicapped

Clauses pertaining to these items and others are included in solicitations if applicable and are usually self-explanatory.

Bidders are required and expected to become familiar with the requirements of the clauses before submitting a bid.

B. Service Contracts

A service contract is one that directly engages the time and effort of a contractor whose primary purpose is to perform an identifiable task rather than to furnish an end item of supply. Some service contracts usually identified with the Forest Service include:

- Tree planting
- Tree thinning
- Janitorial services
- Architect-engineering services
- Archeological services
- Surveys (soil, line, cadastral, etc.)
- Rental of equipment

Many of the same safety and labor laws and regulations that apply to construction contracts also pertain to service contracts.

1. **SERVICE CONTRACT ACT OF 1965, as amended, (41 U.S.C. 351-358)** - This Act requires that, in service contracts over \$2,500, contractors shall pay not less than the minimum wage set forth in the wage decision listed in the bid invitation package. If under \$2,500,

the contractor must pay not less than the minimum wage in effect at the time of award.

2. **BONDS** - Performance and payment bonds are not usually required for a service contract. However, a contracting officer may require bonds if over \$25,000 and in the government's best interest.

Other clauses are included in solicitations as applicable, and bidders are responsible for understanding and meeting these requirements.

C. Supply Contracts

A supply contract is for the furnishing of a commodity, product or equipment. This includes the manufacture, fabrication or processing of a raw material into a finished product and may also include procurement of raw materials. Some types of Forest Service supply contracts include:

Bridge timbers	Cattleguards	Culvert
Posts	Lumber	Pipe
Gravel (stockpiled)	Fertilizer	Wooden fence
Trailer houses		

Two important laws should be considered in supply contracts:

1. **WALSH-HEALEY PUBLIC CONTRACTS ACT (41 U.S.C. 35-45)** - This Act requires that if a supply contract exceeds \$10,000, the contract shall:
 - a. Be with manufacturers or regular dealers in the supplies manufactured or used in performing the contract.
 - b. Include or incorporate by reference the representation that the contractor is a manufacturer or a regular dealer of the supplies offered and also includes the stipulation required by the Act pertaining to such matters as minimum wages, maximum hours, child labor, convict labor and safe and sanitary working conditions.
2. **REQUIRED SOURCES FOR SUPPLIES** - The Forest Service is required to purchase a significant portion of supplies from established sources such as:
 - a. Federal Prison Industries, Inc.
 - b. The blind and other severely handicapped.
 - c. U.S. Government Printing Offices.

- d. GSA Stores stock
- e. Federal Supply Schedules - GSA Federal Supply Schedules are contracts with private business firms for items commonly used by government agencies. This can include items from pencils and paper to typewriters and ADP equipment.

CONTRACTING METHODS

The Forest Service uses three basic methods to acquire needed goods and services: small purchase procedures, sealed bidding and contracting by negotiation.

A. Small Purchase Procedures

- 1. Acquisition does not exceed \$25,000.
- 2. Reserved exclusively for small business concerns.
- 3. Generally, must be obtained by seeking competitive prices, if acquisition exceeds \$1,000.

B. Sealed Bid (IFB)

A method of contracting for goods and services over \$25,000 that uses competitive bids, public opening of bids and awards and involves the following steps:

- a. Invitation for bids are prepared which must describe the requirements of the government clearly, accurately and completely.
- b. Invitations must be publicized through distribution to prospective bidders, (usually via a bidder's list or upon request) posted in public places and other such means as appropriate.
- c. Bidders must submit sealed bids that will be opened at the time and place stated in the solicitation (late bids are generally rejected).
- d. After bids are publicly opened, an award will be made to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the government, price and other factors considered.
- e. Procurements are generally reserved for small business concerns. (Over 95% of Forest Service contracts are set aside for small business.) Note: A contracting officer may, in special circumstances, require bonds in contracts under \$25,000 if it is in the government's best interest.

C. Negotiation (RFP)

Negotiation is a flexible procedure that includes the receipt of proposals from offerors, permits bargaining, and usually affords offerors an opportunity to revise their offers before award of a contract. Bargaining—in the sense of discussion, persuasion, alteration of initial assumptions and positions, and give-and-take—may apply to price, schedule, technical requirements, type of contract, or other terms of a proposed contract.

SMALL BUSINESS ADMINISTRATION - LAWS AND REGULATIONS PERTAINING TO SMALL BUSINESS CONCERNS

The Small Business Administration, through various laws and regulations, assists small business concerns. Agency contracting personnel strive to ensure that a fair proportion of contracts are placed with small business.

Some of the methods used to accomplish this include:

A. Set-Asides For Small Business

As previously stated, the majority of Forest Service contracts are set-aside exclusively for small business concerns. The Small Business Administration establishes small business size standards on an industry by industry basis.

B. Section 8(a) of the Small Business Act

This section established a program that authorizes the Small Business Administration to enter into all types of contracts with other agencies and let subcontracts for performing these contracts to firms eligible for program participation (small disadvantaged business concerns). It is the responsibility of each agency to identify potential 8(a) Set-Aside projects.

C. Women-Owned Small Business

If a contract is over \$25,000, the contractor must agree to use its best effort to give women-owned small business the maximum practicable opportunity to participate in the subcontracts it awards.

D. Labor Surplus Area

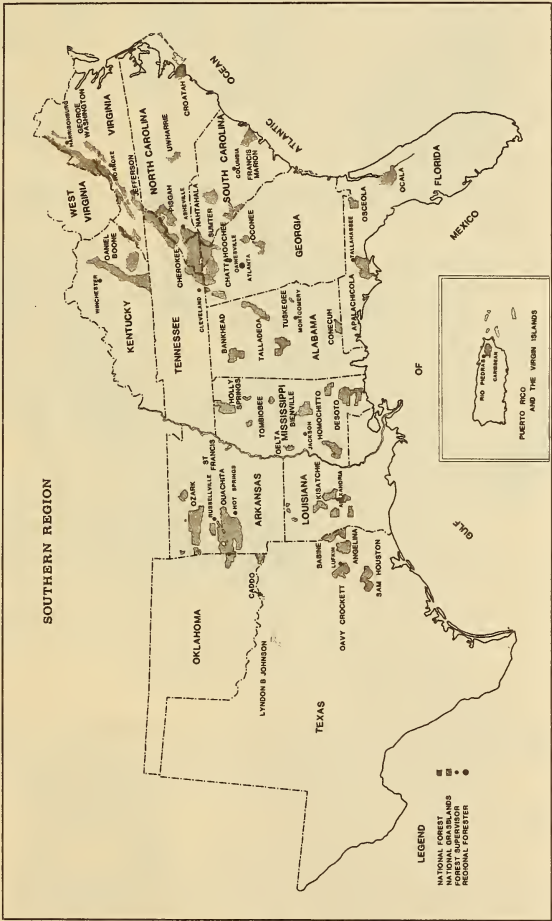
When appropriate, agencies may require use of labor surplus area concerns to the extent possible, or may totally set-aside projects for the exclusive participation of labor surplus area concerns.



This is a brief and certainly not an all-inclusive overview of contracting with the Forest Service. The Department of Labor establishes these areas based upon unemployment.

Government contracts do contain numerous clauses that relate to a large number of laws and regulations. However, in most cases, a government contract has no more performance requirements than a prudent contractor may experience in performing non-government contracts.

Bidders and potential contractors must be prepared to meet the terms and conditions set forth in the contract and must base their costs on the amount of equipment, labor and material that will be needed to do the job, allowing for fair and reasonable profit.



Location of Procurement Offices

ALABAMA

Contracting Officer
NFs in Alabama
1765 Highland Avenue
Montgomery, AL 36107

ARKANSAS

Contracting Officer
Ozark-St. Francis NF
605 West Main
P.O. Box 1008
Russellville, AR 72801

Contracting Officer
Ouachita NF
Box 1270, Fed. Bldg.
Hot Springs, AR 71902

FLORIDA

Contracting Officer
NFs in Florida
227 No. Bronough St.
Suite 4061
Tallahassee, FL 32301

GEORGIA

Contracting Officer
Chattahoochee-Oconee NFs
508 Oak St. NW
Gainesville, GA 30501

KENTUCKY

Contracting Officer
Daniel Boone NF
100 Vaught Road
Winchester, KY 40391

LOUISIANA

Contracting Officer
Kisatchie NF
2500 Shreveport Highway
P.O. Box 5500
Pineville, 71360

MISSISSIPPI

Contracting Officer
NFs in Mississippi
100 W. Capitol St. Ste. 1141
Jackson, MS 39269

NORTH CAROLINA

Contracting Officer
Southern Forest Exp. Sta.
200 Weaver Boulevard
P.O. Box 2680
Asheville, NC 28802

PUERTO RICO

Purchasing Agent
Caribbean NF
Agricultural Exp. Sta.
Call Box 25000
Rio Piedras, PR 00928-2500

SOUTH CAROLINA

Contracting Officer
Francis Marion-Sumter NFs
1835 Assembly St., Rm. 333
P.O. Box 2227
Columbia, SC 29202

TENNESSEE

Contracting Officer
Cherokee NF
2800 N. Ocoee Street
Box 2010
Cleveland, TN 37311

TEXAS

Contracting Officer
NFs in Texas
Homer Garrison Fed. Bldg.
701 North First St.
Lufkin, TX 75901

VIRGINIA

Contracting Officer
Jefferson NF
210 Franklin Road, S.W.
Roanoke, VA 24001

Contracting Officer
George Washington NF
210 Federal Building
P.O. Box 233
Harrisonburg, VA 22801

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